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EXTRAORDINARY

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PART II—Section 3—Sub-section (ii)

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 10th April 1965

S.O. 1212.—In exercise of the powers conferred by section 3 and sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme for the Port of Mormugao, the same having been previously published as required by the said sub-section, namely:—

THE MORMUGAO DOCK WORKERS (REGULATION OF EMPLOYMENT) SCHEME, 1965

1. **Name of the Scheme.**—The Scheme may be called the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965 (hereinafter referred to as the Scheme).

2. **Objects and Application.**—(1) The objects of the Scheme are to ensure greater regularity of employment for dock workers and to secure that an adequate number of dock workers is available for the efficient performance of dock work.

(2) The Scheme relates to the Port of Mormugao and applies to the classes or descriptions of dock work and dock workers set out in Schedule I:

Provided that the Scheme shall not apply to any dock worker unless he is employed or registered for employment as a dock worker.

(3) The scheme shall apply to registered dock workers and registered employers.

(4) Nothing in this Scheme shall apply to any class or description of dock work and dock workers in the Indian Naval Dockyard, Mormugao or any ship of the Indian Navy.

3. **Interpretation.**—In this Scheme, unless there is anything repugnant in the subject or context—

(a) "Act" means the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);

(b) "Administrative Body" means the Administrative Body appointed under clause 5;

(c) "Board" means the Mormugao Dock Labour Board constituted under the dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);

(d) "Chairman" means the Chairman of the Board;

(e) "daily worker" means a registered dock worker who is not a monthly worker;

(f) "dock employer" means the person by whom a dock worker is employed or is to be employed and includes a group of dock employers formed under clause 16(1)(d);

(g) "dock work" means operations at places or premises to which the scheme relates; ordinarily performed by dock workers of the classes or description to which the Scheme applies;

(h) "employers' register" means the register of dock employers maintained under the Scheme;

(i) "Executive Officer" means the Executive Officer of the Board;

(j) "Labour Officer" means the Labour Officer appointed under clause 13;

(k) "monthly worker" means a registered dock worker who is engaged by a registered employer or a group of such employers on monthly basis under a contract which requires for its termination at least one month's notice on either side;

(l) Personnel Officer" means the Personnel Officer appointed by the Board under clause 6;

(m) "register or record" means the register or record of dock workers maintained under the Scheme;

(n) "registered dock worker" means a dock worker whose name is for the time being entered in the register or record:

(o) "registered employer" means a dock employer whose name is for the time being entered in the employers' register;

(p) "reserve pool" means a pool of registered dock workers who are available for work, and who are not for the time being in the employment of a registered employer or a group of dock employers as monthly workers;

(q) "rules" mean the Dock Workers (Regulation of Employment) Rules, 1962;

(r) "vessel" means an ocean going vessel or ship whose gross registered tonnage is not less than 350 tons;

(s) "week" means the period commencing from midnight of Saturday and ending on the midnight of the next succeeding Saturday.

4. **Constitution of the Board.**—The Board shall be constituted in accordance with rules 3 to 6 of the rules.

5. **Administrative Body.**—(1) The Central Government mal, by notification in the Official Gazette, appoint the Mormugao Stevedores' Association Limited, or any authority or person as the Administrative Body for the purpose of carrying on the day to day administration of the Scheme:

Provided that where such person is appointed under this sub-clause, he shall discharge such of the functions of the Administrative Body, subject to such restrictions and modifications, as the Central Government may, by notification in the Official Gazette, specify.

(2) The Administrative Body shall subject to the supervision and control of the Board and the Chairman and subject to the provisions of clause 46 carry on the day-to-day administration of the Scheme.

(3) The Central Government may for sufficient cause remove the Administrative Body appointed under sub-clause (1):—

Provided that the Administrative Body shall not be removed unless it has been given a reasonable opportunity of being heard.

6. **Executive Officer and Personnel Officer.**—The Board may appoint an Executive Officer, a Personnel Officer and such other officers and staff, and pay them such salaries, and allowances and prescribe such terms and conditions of service as it deems fit:

Provided that no post the maximum salary of which exclusive of allowance is rupees six hundred and above per mensem shall be created, and no appointment to such post shall be made by the Board except with the previous approval of the Central Government:

Provided further that the sanction of the Central Government shall not be necessary to any appointment in a leave vacancy of a duration of not more than one month.

7. **Functions of Board.**—(1) The Board may take such measures as it may consider desirable for furthering the objectives of the Scheme set out in clause 2, including measures for:

(a) ensuring the adequate supply and the full and proper utilisation of dock labour for the purpose of facilitating the rapid and economic turn-round of vessels and the speedy transit of goods through the Port;

(b) regulating the recruitment and entry into and the discharge from the Scheme of dock workers and the allocation of registered dock workers in the reserve pool to registered employers;

(c) determining and keeping under review in consultation with the Administrative Body the number of registered employers and registered dock workers from time to time on the registers or records and the increase or reduction to be made in the numbers in any such register or record;

(d) keeping, adjusting and maintaining the employers' registers, entering or re-entering therein the name of any dock employer and, where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;

(e) keeping, adjusting and maintaining from time to time such registers or records, as may be necessary, of dock workers including any registers or records of dock workers who are temporarily not available for dock work and whose absence, has been approved by the Administrative Body and, where circumstances so require, removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;

(f) the grouping or regrouping of all registered dock workers into such groups as may be determined by the Board after consultation with the Administrative Body and thereafter reviewing the grouping of any registered dock worker on the application of the Administrative Body or of the registered dock worker;

(g) making provision for the training and welfare of registered dock workers including medical services in so far as such provision does not exist apart from the Scheme;

(h) levying and recovering from registered employers contributions in respect of the expenses of the Scheme;

(i) making provision for health and safety measures in places where dock workers are employed in so far as such provision does not exist apart from the Scheme;

(j) maintaining and administering the Dock Workers Welfare Fund and recovering from all registered employers contribution towards the Fund in accordance with the rules and recovering from all registered employers contribution of the Fund framed under clause 56;

(k) maintaining and administering a Provident Fund and a Gratuity Fund for registered dock workers in the reserve pool;

(l) borrowing or raising money and issuing debentures or other securities and, for the purpose of securing any debt or obligation, mortgaging or charging all or any part of the property of the Board.

(2) The income and property of the Board from whatever source derived shall be applied solely towards the objects of the Scheme including, health, safety, training and welfare measures for dock workers and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of benefit to the members of the Board; provided that nothing herein shall prevent the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any services actually rendered to the Board, nor prevent the payment of interest at a reasonable rate on money lent or reasonable and proper rent for premises demised or let, by any member to the Board nor prevent the incurring of expenditure on welfare measures, if any, for the staff of the Board.

(3) The Board shall cause proper accounts to be kept of the cost of operating the Scheme and of all receipts and expenses under the Scheme.

(4) The Board shall submit to the Central Government—

(i) as soon as may be after the first day of April in every year and not later than the thirty-first day of October an annual report on the working of the Scheme during the preceding year ending the thirty-first day of March together with an audited balance sheet; and

(ii) copies of proceedings of the meetings of the Board.

8. Responsibilities and Duties of the Board in meeting.—The Board in meeting shall be responsible for dealing with all matters of policy and in particular may—

(a) fix the number of workers to be registered under various categories;

(b) increase or decrease the number of workers in any category on the register from time to time as may be necessary after a periodical review of the registers and anticipated requirements;

(c) sanction the temporary registration of a specified number of workers in any category for a specified period;

(d) consider registration of new employers on the recommendation of the Chairman;

(e) prescribe forms, records, registers, statements and the like required to be maintained under the Scheme;

(f) determine the wages, allowances and other conditions of service, and refix the guaranteed minimum wages in a month after annual review;

(g) fix the rate of levy under clause 54(1);

(h) fix the rate of contribution to be made by registered employers to the Dock Workers Welfare Fund;

(i) appoint, abolish or reconstitute Committees under clause 37;

(j) sanction the Annual Budget;

(k) appoint the Personnel Officer;

(l) subject to the provisions of clause 6 sanction creation of posts the maximum salary of which exclusive of allowances is upto rupees 600 per month and make appointments to such posts;

(m) make recommendations to the Central Government about changes in Schedule I;

(n) make recommendations to the Central Government about any modifications in the Scheme;

(o) endeavour to settle disputes about which a request for adjudication has been made to the Central Government by the parties concerned and report to the Government the results of such endeavours;

(p) discuss statistics of output of labour and turn-round of ships and record its observations and directions; and

(q) sanction the opening of accounts in such scheduled Banks as it may direct and the operation of such accounts by such persons as the Board may from time to time direct.

9. **Annual Estimates.**—The Chairman shall, at a special meeting to be held before the end of February in each year may lay before the Board the annual budget as received from the Administrative Body under clause 12(i) of this Scheme, for the year commencing on the first day of April then next ensuing in such detail and form as the Board may, from time to time, prescribe. The Board shall consider the estimate so presented to it and shall, within four weeks of its presentation, sanction the same either unaltered or subject to such alterations as it may deem fit.

10. **Responsibility and Duties of Chairman.**—(1) The Chairman shall have full administrative and executive powers to deal with all matters relating to the day-to-day administration of the Scheme and in particular:—

(a) to ensure that the decisions of the Board in regard to the adjustment of the workers' registers are carried out expeditiously;

(b) to ensure that the sanctions for temporary registration of workers are carried out without delay;

(c) (i) to supervise and control the working of the Administrative Body;

(ii) to take suitable steps if any irregularities are detected by him or brought to his notice;

(d) to ensure in consultation with shipowners or shipping agents that proper and adequate supervision is provided by the registered employers over the workers employed on their ships;

(e) to ensure that the provisions of the Scheme in regard to transfer and promotion of workers are carried out;

(f) to constitute Medical Boards when required;

(g) to ensure that conditions laid down in the Scheme, for the registration of employers are complied with by them;

(h) to ensure that all forms, registers, returns and documents, prescribed under the Scheme, are properly maintained;

(i) to ensure that suitable statistics in regard to the output of labour and the turn-round of ships are compiled and placed before the Board every quarter with appropriate remarks and explanations;

(j) (i) to sanction the creation of posts the maximum salary of which exclusive of allowances is upto rupees 400 per month and;

(ii) to make appointments to posts the maximum salary of which exclusive of all allowances is upto rupees 400 per month·

(k) to take disciplinary action against workers and employers in accordance with the provisions of the Scheme;

(l) to allow relaxation in the maximum number of shifts per worker per week or per month, and to report such cases to the Board;

(m) to declare that there has been a 'go-slow' and to take action as authorised under the Scheme;

(n) to declare a 'state of emergency' and to take action as authorised under the Scheme;

(o) to make a report, when necessary, to the Central Government under rule 6 of rules;

(p) to sanction the transfer of a monthly worker to the reserve pool at the request of the employer or the worker as provided for in the Scheme;

(q) to deal with appeals from workers and employers under clauses 49 and 50;

(r) to fill an unexpected vacancy in the post of Executive Officer for a period of less than one month and report such matter to Central Government for approval; and

(s) to discharge all other duties and responsibilities specifically vested in the Chairman under the Scheme.

(2) The Chairman may subject to such conditions as he thinks fit delegate in writing to the Executive Officer any of the functions under sub-clause (1) excepting those mentioned in items (j)(i)(ii), (m), (n), (o), (q), (r) and (s). Such delegation, however, shall not divest the Chairman of his powers.

11. **Responsibility and Duties of the Executive Officer.**—The Executive Officer shall be a whole-time officer of the Board and shall assist the Chairman in the discharge of his functions and in particular shall:—

(a) discharge all functions relating to disciplinary action against registered employers and dock workers to the extent permitted under clause 46; and

(b) exercise such other functions as are delegated to him in writing by the Chairman.

12. **Functions of the Administrative Body.**—Without prejudice to the powers and functions of the Board, the Chairman and the Executive Officer, the Administrative Body shall be responsible for the administration of the Scheme and shall in particular be responsible for—

(a) keeping, adjusting and maintaining the employers' register, entering or re-entering therein the name of any dock employer and, where circumstances so require, removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme;

(b) keeping, adjusting and maintaining from time to time such registers or records as may be necessary of dock workers, including any registers or record of dock workers who are temporarily not available for dock work and whose absence has been approved by the Administrative Body and where circumstances so require removing from any register or record the name of any registered dock worker either at his own request or in accordance with the provisions of the Scheme;

(c) the employment and control of registered dock workers available for work when they are not otherwise employed in accordance with the Scheme;

(d) the grouping or re-grouping of registered dock workers in accordance with the instructions received from the Board in such groups as may be determined by the Board;

(e) the allocation of registered dock workers in the Reserve Pool who are available for work to registered employers and for this purpose the Administrative Body shall—

(i) be deemed to act as an agent for the employer,

(ii) make the fullest possible use of registered dock workers in the reserve pool,

(iii) keep the record of attendance, at call stands or control points of registered dock workers.

(iv) provide for the maintenance of records of employment and earnings;

(v) subject to the allotment of work by rotation under clause 30(3), allocate workers in accordance with clauses 20 and 31, and

(vi) make necessary entries in the Attendance Card and Wage slip of workers in the reserve pool as laid down in clause 23;

(f) (i) the collection of levy, contribution to the Dock Workers Welfare Fund or any other contribution from the employers as may be prescribed under the Scheme;

(ii) the collection of workers' contribution to the Provident Fund, Insurance Fund or any other fund which may be constituted under the Scheme;

(iii) the payment as agent of the registered employer to each daily worker of all earnings properly due to the worker from the employer and the payment to such workers of all monies payable by the Board to those workers in accordance with the provisions of the Scheme.

(g) appointing, subject to budget provision, such officers and servants from time to time as may be necessary:

Provided that the creation of posts the maximum salary of which exclusive of allowances is upto Rs. 300 per month and appointment of persons to such posts shall be subject to clauses 8(1), 10(1)(j) and 10(i)(j)(ii).

(h) the keeping of proper accounts of the cost of operating the Scheme and of all receipts and expenses under it, and making and submitting to the Board an annual report and audited balance-sheet;

(i) the framing of the budget annually, submitting the same to the Board on or before the fifteenth day of February in each year and getting it approved by the Board;

(j) maintaining complete service records of all registered dock workers; and

(k) such other functions as may from time to time, subject to the provisions of the scheme, be assigned to it by the Board, the Chairman or the Executive Officer.

13. **Labour Officer.**—(1) The Board may appoint a Labour Officer to carry out such functions as may be assigned to him consistent with the provision of the Scheme.

(2) The Administrative Body, when it consists of employers of dock workers shall appoint a Labour Officer with the approval of the Board. The Labour Officer shall, under the supervision and control of the Administrative Body, carry out such functions as may be assigned to him by that Body consistent with the provisions of the Scheme.

14. **Functions of the Personnel Officer.**—The Personnel Officer shall assist the Executive Officer generally in the discharge of his duties and shall, in particular, carry out functions vested in him under clause 46.

15. **Officers appointed by the Central Government for proper working of the scheme.**—(1) Notwithstanding the provisions of clauses 5, 6, 12 and 14, the Central Government may in its discretion appoint, from time to time, in consultation with the Chairman of the Board one or more officers and entrust to such officer or officers such functions as it may deem fit for the proper working of the Scheme.

(2) Such officer or officers shall be subject to the general supervision and control of the Chairman and be paid from the funds of the Board. He/They shall hold office for such period and on such terms and conditions as the Central Government may determine.

16. **Maintenance of registers etc.**—**(1) Employers' register.**—(a) There shall be a register of employers.

(b) In so far as the application of the Scheme to stevedore labour is concerned, every stevedore or stevedoring firm who/which is at present working as stevedore shall be entitled to be registered under the Scheme but no such person/firm shall be so entitled unless he/it applies for registration on or before the date so fixed by the Board for the purpose.

(c) Persons/firms other than those who are deemed to have been registered under item (b) shall not be registered as stevedores unless the Board considers it expedient and necessary to do so.

(d) The Board may, subject to such conditions as it may with the previous approval of the Central Government prescribe in this behalf, permit persons/firms registered under item (b) or (c), to form one or more groups, and each group so formed shall be treated as one employer only for employment of monthly workers:

Provided that the Board shall have power to make with the previous approval of the Central Government such alterations or modifications in the conditions prescribed, as it may deem necessary from time to time:

Provided further that the Board may revoke, from such date as it may specify, the permission given to any group of employers if, after giving an opportunity to the group of employers to show cause against the proposal and after considering its representations if any, the Board is satisfied that the group of employers has failed to comply, in part or in full, with the conditions prescribed for the formation of such group, and thereupon the said group shall stand dissolved from such date.

(2) **Workers Registers.**—(a) The workers' registers shall be maintained in the forms prescribed by the Board for this purpose.

(b) The registers of stevedore workers shall be as under, namely:—

(i) **Monthly Register.**—Register of workers who are engaged by each stevedore on contract on monthly basis and who are known as monthly workers.

(ii) **Reserve Pool Register.**—Register of workers other than those on the monthly register and known as Reserve Pool workers. This register shall include a sub-pool of stevedore mazdoors to fill casual vacancies in gangs. The workers included in such a sub-pool shall be known as leave reserve workers.

17. **Classification of Workers in Registers.**—(1) The Board shall arrange for the classification of workers by categories in the registers.

(2) Dock workers registered under the Scheme shall be classified into:—

(a) Gang Workers.

(b) Winchdrivers.

18. **Fixation of number of workers on the register.**—(1) The Board shall in consultation with the Administrative Body or otherwise determine, before the commencement of registration in any category, the number of workers required in that category.

(2) A registered employer or a group of employers may subject to such conditions as may be prescribed by the Board in this behalf increase the number of workers on his/its monthly registers by selecting workers from the reserve pool.

19. **Registration of existing and new workers.**—(1) (a) Any stevedore mazdoor who on the date of the commencement of the Scheme is already registered with the Mormugao Stevedores Association shall be entitled to registration. But no such person shall be so entitled unless he applies for registration on or before the date fixed by the Board for this purpose.

(b) The qualification for new registration shall be such age as may be prescribed by the Board having regard to local conditions but not exceeding 40 years, physical fitness, capacity and/or experience. Indian Nationals only shall be eligible for registration.

(c) Registration of workers in any new category shall be done from among workers who have been or were working in the port on any such date as the Board may prescribe on this behalf and selection for registration shall be made as far as possible on the basis of seniority, i.e., in the order of the total period for which a dock worker has worked in that category provided that the worker is medically fit and is not more than 60 years of age.

(2) The following principles shall apply in respect of registration of new categories which may after the date of enforcement of the Scheme be included in Schedule I—

(a) Before a worker is registered in any of the above categories, the Board shall under clause 18(1) make a thorough investigation with a view to arriving at an estimate of the number of workers in that category that are likely to be required out of all the bonafide workers in that category who may then be working in the docks.

(b) There shall be a provisional registration based on the anticipated requirements and the mere fact that a worker has been working before in the port shall not automatically entitle him to registration.

(c) After the provisional registration has been completed, the booking in rotation shall start without allowing, at that stage any financial benefits other than wages which accrue to registered workers under the Scheme.

(d) A re-assessment of the requirement shall be made after six months in the light of the actual employment obtained by workers provisionally registered and the provisional registration shall then be adjusted accordingly. The payment of attendance allowance under clause 33 only shall commence from that time.

(e) The working under these conditions shall be examined after a year of the introduction of the rotational booking with a view to fixing the number of days for which the guaranteed minimum wages under clause 32 should be paid. From then onwards the workers will be entitled to all the benefits under the Scheme.

(f) The minimum number of days in a month for which wages are guaranteed under clause 32 to categories of workers previously registered shall not automatically be claimed by workers of the categories to be registered after the date of enforcement of the Scheme. Such minimum number of days may vary from category to category as determined under item (e) above.

(g) The wages of the workers in categories which may be registered after the date of enforcement of the Scheme, shall be such as may be fixed by the Board from time to time.

(3) The Board may from time to time permit the registration of workers temporarily for such periods and on such terms and conditions of service as the Board may specify:

Provided that the workers registered temporarily shall be entitled to attendance allowance under clause 33 and shall have the same obligations as registered dock workers in the reserve pool.

(4) Any fresh recruitment, whether on a temporary or permanent basis in any category in which dock workers have already been registered under the Scheme shall be done from amongst workers registered with the local Employment Exchange. If, however, the requirement exceeds the number of suitable men available on the register of the Employment Exchange on the day of the requisition, direct recruitment after absorbing suitable men from the Employment Exchange register may be made.

(5) New workers registered under item (b) of sub-clause (1) will be on probation for a period of three months before being placed on a permanent basis on the registers.

(6) Notwithstanding any other provision of the Scheme, where the Board is of opinion that a dock worker has secured his registration by furnishing false information in his application or by withholding any information required therein, or where it appears that a worker has been registered improperly or incorrectly, the Board in meeting may direct the removal of his name from the registers:

Provided that before giving any such direction, the Board shall give him an opportunity of showing cause why the proposed direction should not be issued.

20. **Promotion and transfer of workers.**—(1) A vacancy, other than a casual vacancy, in any category of workers in a reserve pool register shall ordinarily be filled by promotion of a worker from the next lower category.

(2) A vacancy other than a casual vacancy, in any category of monthly workers may be filled only by promotion from lower categories of monthly workers of the same employer or group of employers or, if no person is suitable for promotion from lower categories of monthly workers of the same employer or group of employers, by transfer of a worker in the same or from the reserve pool who may be selected by a registered employer or a group of employers.

Explanation.—The criteria for promotion shall ordinarily be:—

(a) seniority,

(b) merit and fitness for work in the category to which promotion is to made, and

(c) record of past service.

Note.—A transfer from the reserve pool register to the monthly register in the same category or vice versa shall not be deemed a promotion.

(3) The Chairman or the Executive Officer may for sufficient and valid reasons allow the transfer of a monthly worker to the reserve pool on a request in writing of the employer or the worker explaining fully the reasons for the transfer provided that such transfer shall be subject to the fulfilment of any contract subsisting between the monthly worker and his employer regarding termination of employment. No transfer shall take place without the prior approval of the Chairman or the Executive Officer.

(4) If the services of a monthly worker are terminated by an employer for an act of indiscipline or misconduct, he may apply to the Board for employment in the reserve pool. The Executive Officer on behalf of the Board shall then decide on the merits of the case whether or not the worker should be employed and if so, whether in the same or a lower category.

(5) If a monthly worker is transferred to or employed in the reserve pool under sub-clause (3) or sub-clause (4), as the case may be, his previous service shall be reckoned for all benefits in the reserve pool and the employer shall transfer to the Board all benefits that have accrued to the worker in respect of his previous service as if such service had not been transferred. The employers shall in particular contribute to the Board such amount as may be appropriate towards the worker's leave, Provident Fund or gratuity that may be due to him on the date of such transfer.

21. **Medical Examination.**—(1) A new worker before registration shall undergo, free of charge, a medical examination for physical fitness by a Medical Officer, nominated by the Chairman for this purpose. A worker found medically unfit by a Medical Officer may apply in writing to the Chairman and simultaneously deposit with him such fees as may be prescribed in this behalf, for examination by a Medical Board. On receipt of such a request, the Chairman shall set up a Medical Board. The decision of the Medical Board shall be final and a worker who is medically unfit shall not be entitled to registration.

(2) If the Administrative Body deems it necessary, a worker shall undergo free of charge a medical examination by a Medical Board to be constituted by the Chairman. The decision of the Medical Board shall be final. If a worker is found permanently unfit by the Medical Board the Chairman shall terminate his services forthwith.

22. **Facilities for training.**—The Board shall make provision for training of suitable registered workers in the duties of winchdrivers or in any other duties like signalling etc. that it may deem necessary.

23. **Registration fee.**—A registration fee of rupees two shall be payable to the Board by each worker at the time of registration under the Scheme:

Provided however that the fee for workers registered at the commencement of the Scheme shall be rupee one.

24. **Supply of cards.**—(1) Every registered worker shall be supplied free of cost with (i) an Identity Card, (ii) an Attendance card and (iii) Wage slips in the forms prescribed by the Board.

(2) In case of loss of a card, a fresh card will be issued but the cost thereof which will be fixed by the Board, shall be payable by the worker concerned.

25. **"Service Records" for registered workers.**—A "Service Record" for every monthly and daily worker shall be maintained by the Administrative Body in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary actions taken against the worker, promotions, commendations for good work etc. Such details in respect of monthly workers, shall be supplied to the Administrative Body by the registered employers.

26. **"Record Sheets" for registered employers.**—The Personnel Officer shall maintain a "Record sheet" in respect of each registered employer in a form to be prescribed by the Board which shall contain, among other things, a complete record of disciplinary actions taken against the registered employer.

27. **Surrender of cards.**—(1) A worker's card shall be surrendered to the Administrative Body in any of the following circumstances, namely—

(a) when proceeding on leave for three days or more;

(b) when retiring from service;

(c) when dismissed or discharged from service;

(d) when temporarily suspended; or

(e) on death.

(2) Every employer of a monthly worker will also surrender the card of the worker to the Administrative Body in the case of (a), (b), (c), (d) or (e) above.

28. **Entries in Attendance Card and Wage Slip.**—(1) A registered dock worker in the reserve pool shall hand over to the Administrative Body at the time he is allocated for work to a registered employer his Attendance Card. The Administrative Body shall make necessary entries in the Attendance Card in respect of the period of work done by the worker and return it to him before the expiry of his engagement. For each day of work, the Administrative Body shall supply as soon as possible a wage slip showing the wages earned by a worker.

(2) A monthly worker shall hand over to his employer at the time when he is allotted work on a ship his Attendance Card. The said employer shall make necessary entries in the card in respect of the period of work done by the worker and return it to him before the conclusion of his allotted work. For each day of work, the employer shall supply as soon as possible a wage slip showing the wages earned by a worker.

29. **Employment of Workers.**—(1) A monthly worker of a particular category attached to a registered employer or a group of employers shall be entitled to be employed for work in that category by that employer or group of employers, in preference to any worker of the same category in the reserve pool.

(2) If the number of workers on the monthly register in a particular category is not sufficient for the work available, the workers on the reserve pool register in that category shall be employed.

(3) A monthly worker of one employer or a group of employers shall not be employed by another employer or group of employers, except with the previous approval of the Chairman or the Executive Officer.

30. **Employment in Shifts.**—(1) Workers shall be employed in shifts.

(2) (a) A worker shall not ordinarily be employed in two consecutive shifts nor shall a worker be employed in two consecutive shifts on each of two successive days. In no case shall a worker be employed in three consecutive shifts.

(b) Normally a worker in the reserve pool shall not be employed for more than 6 shifts in a week or 27 shifts in a month, but when there is shortage of pool workers, the pool workers may be employed upto 9 shifts in a week or 33 shifts in a month.

(c) Normally a monthly worker shall not be employed for more than 6 shifts in a week or 27 shifts in a month, but when a worker in the reserve pool who has not reached the maximum limit of employment defined in item (b) above is not available, a monthly worker may be employed upto 9 shifts in a week or 33 shifts in a month.

(d) In special circumstances, the Chairman may relax temporarily the restrictions under items (b) and (c) to the extent necessary.

(e) Workers working more than one shift in a day will be entitled to the normal rate of wages for work in each shift.

(3) Workers of each category on the reserve pool register shall be allotted work by rotation.

(4) Where work is carried on by a gang, the allotment of workers by rotation shall be by gangs.

31. **Filling up of Casual Vacancies.**—Casual vacancies in the monthly and reserve pool registers shall be filled up by rotational booking.

32. **Guaranteed Minimum Wages in a Month.**—(1) A worker in the reserve pool register shall be paid wages at least for fifteen days in a month at the wage rate, inclusive of dearness allowance as prescribed by the Board appropriate to the category to which he permanently belongs, even though no work is found for him for the minimum number of twelve days in a month. The days on which work is allotted to the worker shall be counted towards the twelve days mentioned above The guaranteed minimum wages in a month shall be:—

(a) for the number of days for which wages are guaranteed in a month subject to the condition that the worker attended for work on all days of the month as directed by the Administrative Body; or

(b) proportionate to the number of days on which the worker attended for work provided he was excused from attendance on all the remaining days of the month.

(2) Subject to the provisions of sub-clause (1) the minimum number of days in a month for which wages are guaranteed may be fixed by the Board for each year on the basis of the monthly average employment obtained by the workers in the reserve pool in the lowest categories of stevedore workers during the preceding year until the minimum number of days reaches 21, provided the number so fixed shall not, in any case, be less than the number in the preceding year.

Note.—This method of assessing the average employment is detailed in SCHEDULE II.

(3) The minimum number of days for which wages shall be guaranteed under sub-clauses (1) and (2) shall not automatically apply to workers in new categories that may be registered after the date of enforcement of the Scheme. The minimum number of days for which wages shall be guaranteed to these categories shall be determined under clause 19(2)(e). The annual reflxation of the minimum number of days as under sub-clause (2) shall be done independently in their case also.

Explanation.—In sub-clauses (1), (2) and (3) of this clause a 'day' shall mean a 'shift'.

33. **Attendance Allowance.**—Subject to the other provisions of the Scheme, a worker on the reserve pool register who is available for work but for whom no work is found shall be paid attendance allowance at the rate of rupee one and twenty five paise per day for the days on which during a calendar month he attended for work as directed by the Administrative Body and no work was found for him:

Provided that the Board may allow payment of attendance allowance at such higher rate not exceeding rupees two as it may deem necessary.

Provided further that no attendance allowance shall be payable for any day for which full wages, inclusive of dearness allowance, have been paid under clause 32 or otherwise or for which disappointment money is paid under clause 35.

34. **Employment for a shift.**—No worker in the reserve pool register shall be employed for a period of less than a shift and where the work for which a worker has been engaged is completed during the working period of the shift he shall undertake such other work in or at the same or another vessel or berth as may be required by the same employer for the remainder of the period and if no such other work is made available to him, he shall be paid in the following manner:—

(i) if he is engaged on time-rate basis, he shall be paid the time-rate wages for the entire shift;

(ii) if he is engaged on a piece rate basis, he shall be paid in addition to the piece rate wages earned by him in that shift, the calculated daily time-rate wage for the period he is rendered idle for want of work.

(2) Where a worker is allotted to a registered employer for work in a particular shift but the worker after reporting to the berth, is not engaged by the employer for the reason that the ship has not been berthed, he may be required to work for another employer in another ship berthed at the same place during that shift.

35. **Disappointment Money.**—When a worker in the reserve pool presents himself for work and for any reason the work for which he has attended cannot commence or proceed and no alternative work can be found for him and he is relieved within 2 hours of his attending for work, he shall be entitled to disappointment money equal to half the wage rate, inclusive of dearness allowance appropriate to the category to which he belongs. A worker detained for more than 2 hours shall be paid full wages inclusive of dearness allowance.

36. **Holidays.**—Each worker shall be entitled in a year upto a maximum of 8 holidays with pay at such rates as may be prescribed by the Board under clause 42. Any payment so made shall be exclusive of the payment calculated under clause 32.

37. **Committees.**—The Board may appoint one or more committees to whom it may entrust such of its functions as it may deem necessary to facilitate compliance with the provisions of the Scheme and may abolish or reconstitute them as it may deem necessary. Persons who are not members of the Board may, if necessary, be nominated as co-opted members of a committee, such co-opted members, however, shall not have any right of vote.

38. **Obligation of Registered Dock Workers.**—(1) Every registered dock worker shall be deemed to have accepted the obligations of the scheme.

(2) A registered dock worker in the reserve pool who is available for work shall be deemed to be in the employment of the Board.

(3) A registered dock worker in the reserve pool who is available for work shall not engage himself for employment under a registered employer unless he is allocated to that employer by the Administrative Body—

(4) A registered dock worker in the reserve pool who is available for work shall carry out the directions of the Administrative Body and shall:—

(a) report at such call stands or control points and at such times as may be specified by the Administrative Body and shall remain at such call stands or control points—

(i) throughout the period of the shift, if instructed by the Administrative Body to that effect, on payment of such retention allowance as may be prescribed by the Board; or

(ii) for such period, not exceeding one hour, as may be specified; and

(b) accept any employment in connection with dock work, whether in the category in which he has been registered or in any other category for which he is considered suitable by the Administrative Body.

(5) A registered dock worker who is available for work when allocated by the Administrative Body for employment under a registered employer shall carry out his duties in accordance with the directions of such registered employer or his authorised representative or supervisor and the rules of the port or place where he is working.

39. **Obligations of Registered Employers.**—(1) Every registered employer shall accept the obligations of the Scheme.

(2) Subject to the provisions of clause 29, a registered employer shall not employ a worker other than a dock worker who has been allocated to him by the Administrative Body in accordance with the provisions of clause 12(e).

(3) A registered employer shall in accordance with arrangements made by the Administrative Body submit all available information of his current and future labour requirements.

(4) A registered employer shall lodge with the Administrative Body, unless otherwise directed, particulars of the tonnage handled by workers on piece-rate and such other statistical data as may be required in respect of the registered dock workers engaged by him.

(5) (i) A registered employer shall pay to the Administrative Body in such manner and at such times as the Board may direct the levy payable under clause 54(1) and the gross wages due to daily workers.

(ii) A registered employer shall make payments as contributions to the Dock Workers Welfare Fund under clause 56.

(6) A registered employer shall keep such records as the Board may require, and shall produce to the Board or to such persons as may be designated by the Board upon reasonable notice all such records and any other documents of any kind relating to registered dock workers and to the work upon which they have been employed and furnish such information relating thereto as may be set out in any notice or directions issued by or on behalf of the Board.

40. **Restriction on Employment.**—(1) No person other than a registered employer shall employ any worker on dock work nor shall a registered employer engage for employment or employ a worker on dock work unless that worker is a registered dock worker.

(2) Notwithstanding the foregoing provisions of sub-clause (1)—

(a) where the Administrative Body is satisfied that—

(i) dock work is emergently required to be done; and

(ii) it is not reasonably practicable to obtain a registered dock worker for that work;

the Administrative Body may, subject to any limitations imposed by the Board, allocate to a registered employer a person who is not a registered dock worker. In selecting such workers the local Employment Exchange organisation shall as far as possible, be consulted:

Provided that, whenever unregistered workers have to be employed, the Administrative Body shall obtain, if possible, the prior approval of the Chairman to the employment of such workers, and where this is not possible, shall report to the Chairman within 24 hours the full circumstances under which such workers were employed and the Chairman shall duly inform the Board of such employment at its next meeting;

(b) the Board may, subject to such conditions as it may specify, permit employment of unregistered workers on a holiday, if dock work is required to be done on that day, to the extent registered workers are not available for work.

(c) in the case referred to in items (a) and (b) the person so employed as aforesaid by a registered employer shall, for the purposes of clause 39(4), (5) and (6) and clause 42 be treated in respect of that dock work as if he were a daily worker.

(3) A registered worker in the reserve pool may, provided he fulfils fully his obligations under clause 38, take up occasional employment under employers other than those registered under the Scheme on those days on which he is not allocated for work by the Administrative Body.

41. **Circumstances in which the Scheme ceases to apply.**—(1) The Scheme shall cease to apply to a registered dock worker when his name has been removed from the register or record in accordance with the provisions of the Scheme.

(2) The Scheme shall cease to apply to a registered employer when his name has been removed from the employer's register in accordance with the provisions of the Scheme.

(3) Nothing in this clause shall effect any obligations incurred or right accrued during any time when the person was a registered dock worker or a registered employer.

42. **Wages, Allowances and Other Conditions of Service of Workers.**—Unless otherwise specifically provided for in the Scheme, it shall be an implied condition of the contract between a registered dock worker (whether in the reserve pool or on the monthly register) and registered employer that—

(a) the rates of wages, allowances and overtime, hours of work, rest intervals, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers; and

(b) the fixation of wage period, time for payment of wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936 (4 of 1936).

43. **Wages, Allowances and Other Conditions of Service of Gang Worker and Winchdriver.**—(1) Unless otherwise specifically provided for in the Scheme, it shall be an implied condition of the contract between a registered dock worker in the categories of Winchdriver and gang worker (whether in the reserve pool or on the monthly register) and a registered employer that the rates of wages, allowances and overtime, hours of work, rest intervals, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers subject to the provisions of sub-clause (2), (3), (4), (5), (6), and (7).

(2) The Board shall appoint a Committee consisting of representatives of registered employers, Shipping Companies, workers and the Port Authority and a nominee of the Central Government to determine the norms for output in respect of cargoes of different kinds, and/or Lines and/or Zones. Should the Committee, not be able to prescribe agreed norms within a period of two months of having been asked to do so, the Chairman of the Board may determine such norms and submit them to the Central Government for approval. These norms shall be adopted as standard output required of workers. The same procedure shall be followed if and when a revision of the norms is considered necessary by the Board.

(3) The Board shall, by regulations, relate the wages earned to the actual output of workers. The regulations shall be submitted to the Central Government for approval before implementation.

(4) The regulations framed under sub-clause (3) shall *inter alia* provide for the following:

(i) A worker shall be entitled to the normal wage prescribed by the Board if he with the other members of his gang produces the standard output.

(ii) If the actual output of a gang is more or less than the standard output, the normal wage shall be enhanced or reduced in such proportion as may be determined by the Board;

Provided that the earnings of a worker shall in no case be lower than a guaranteed daily wage to be fixed by the Board from time to time subject to the condition that it shall not be less than 3/5th of the normal wage.

(iii) A worker will be entitled to a time-rate wage, to be prescribed by the Board, for any period or periods for which loading and unloading may be held up for reasons beyond the worker's control, such as inclement weather, non-availability of cargo etc.

(iv) Notwithstanding the provisions of item (ii) a worker or a gang of workers who fails to produce the standard output in more than 50 per cent of the shift worked during a month shall be liable to disciplinary action for inefficiency.

(5) Should the Board fail to devise suitable regulations under sub-clause (3), the Central Government may direct the Board that a piece-rate scheme approved by the Central Government should be adopted and the Board shall be bound to carry out the directions so given.

(6) A worker on the monthly register shall draw wages on a calculated daily time-rate basis for the days for which he is entitled to payment but is not allotted any work.

(7) The Board may, if necessary, enforce the provisions of sub-clauses (1) to (6) in such stages as may be approved by the Central Government.

(8) The fixation of wage periods, time for payment of wages and deductions from wages shall be in accordance with the provisions of the Payment of Wages Act, 1936 (4 of 1936).

(9) Notwithstanding the provisions contained in sub-clauses (1) to (7) the Central Government may, if it so decides, set up such other body as it may deem fit for determining any or all of the matters referred to in the said sub-clauses and the decision of the Central Government on the recommendations of the said body shall be final and binding.

(10) The workers to whom this clause applies shall be governed by the provisions of clause 42 so long as—

(i) regulations have not been framed under sub-clause (3) and enforced, or

(ii) the Central Government has not issued a direction to the Board under sub-clause (5), or

(iii) the Central Government does not give any decision on the recommendations of the body under sub-clause (9).

44. **Pay in respect of Unemployment or Under-Employment.**—(1) Subject to the conditions set out in this and the next following clause, when, in any wage period, a registered dock worker in the reserve pool is available for work but is not given employment or full employment, he shall be entitled to receive from the Board such amounts as may be admissible to him under clauses 32, 33 and 35.

(2) The conditions subject to which a registered dock worker is entitled to the said payment (if any) from the Board are that:—

(a) he attended as directed at the call stands or control points; and

(b) his attendance was recorded.

45. **Disentitlement to Payment.**—(1) A registered dock worker who while in the reserve pool fails without adequate cause to comply with the provisions of clause 38 (4) (a) or (b), or fails to comply with any lawful order given to him by or on behalf of the Board, may be proceeded with in accordance with sub-clause (3).

(2) A registered dock worker in the reserve pool who, while in employment to which he has been allocated by the Administrative Body, fails without any adequate cause to comply with the provisions of clause 38(5) or fails to comply with any lawful orders given to him by his employer, may have his engagement terminated and may be returned to the reserve pool and whether or not he is so returned may be reported in writing to the Labour Officer. When a registered dock worker is so returned to the reserve pool, the Administrative Body shall endorse his Attendance Card accordingly.

(3) The Labour Officer shall consider any matter arising under sub-clause (1) or (2) and if, after investigating the matter, he notifies the registered dock worker that he is satisfied that the registered dock worker has failed to comply with a lawful order as aforesaid, the registered dock worker shall not be entitled to any payment, or to such part of any payment under clause 44 as the Labour Officer thinks fit in respect of the wage period in which such failure occurred or continues.

46. **Disciplinary Procedure.**—(1) (i) The Officer on receipt of the information whether on a complaint or otherwise, that a registered employer has failed to carry out the provisions of the Scheme may after investigating the matter, give him a warning in writing, or

(ii) where in his opinion, a higher penalty is merited, he shall report the case to the Executive Officer, who may then cause such further investigation to be made as he may deem fit and take any of the following steps as regards that employer that is to say, he may—

(a) censure him and record the censure in his record sheet or

(b) subject to the approval of the Board and after one month's notice in writing given to the registered employer inform the Administrative Body that the name of the employer shall be removed from the employers' register for such period as determined by the Board or permanently in case of a grave offence.

(2) A registered dock worker in the reserve pool, who fails to comply with any of the provisions of the Scheme, or commits any act of indiscipline or misconduct, may be reported in writing to the Labour Officer who may after investigating the matter take any of the following steps as regards that worker, that is to say, he may—

(a) determine that, for such period as he thinks proper, that worker shall not be entitled to any payment or part payment under clause 44.

(b) give him a warning in writing; or

(c) suspend him without pay for a period not exceeding three days.

(3) (a) Where in a case reported to the Labour Officer under sub-clause (2) he is of opinion that the act of indiscipline or misconduct is so serious that the worker should not be allowed to work any longer, the Labour Officer may, pending investigation of the matter, suspend the worker and report immediately to the Executive Officer, who after preliminary investigation of the matter shall pass orders hereon whether the worker should, pending final order, remain suspended or not;

(b) Where a worker has been suspended by an order under item (a) he shall be paid for each day of suspension a subsistence allowance equivalent to the attendance allowance provided in clause 33 or one fourth of his daily wage including dearness allowance, whichever is greater;

Provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases, grant a highest subsistence allowance not exceeding half the total daily wage including dearness allowance;

(c) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(d) where a worker is found not guilty, he shall be entitled to such payments as the Administrative Body certifies that the worker would have received on

the time rate basis or under clause 33 had he not been suspended provided, that the amounts so payable shall be reduced by the amount of subsistence allowance payable or already paid during a particular period.

(4) Where, in the opinion of the Labour Officer a higher punishment than that provided in sub-clauses (2) and (3) is merited he shall report the case to the Executive Officer.

(5) On receipt of the written report from the Labour Officer under sub-clause (4) or from the employers or any other person that a registered dock workers in the reserve pool has failed to comply with any of the provisions of the Scheme or has committed an act of indiscipline or misconduct or has consistently failed to produce the standard or datum output or has been inefficient in any other manner, the Executive Officer may make or cause to be made such further investigation as he may deem fit, and thereafter take any of the following steps, as regards the worker concerned, that is to say he may impose any of the following penalties:—

(a) determine that, for such period as he thinks proper, the worker shall not be entitled to any payment or part payment under clause 44;

(b) give him a warning in writing;

(c) suspend him without pay for a period not exceeding three months;

(d) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness allowance in lieu thereof; or

(e) dismiss him.

(6) Before any action is taken under this clause the person concerned shall be given an opportunity to show cause why the proposed action should not be taken against him.

(7) The Administrative Body shall be informed, simultaneously about the action taken under this clause.

(8) Notwithstanding anything contained in clauses 45 and 46, the powers vested in the authority specified in column (1) of the Table below under the provisions specified in column (2) of the said Table, shall also be exercisable by the authority specified in the corresponding entry in column (3) in such cases as the last named authority may specify in writing in this behalf.

TABLE.

Authority empowered to take action	Power given under	Authority empowered to take action in specified cases
1	2	3
1. Labour Officer	Clauses 45 & 46	Administrative Body.
2. Personnel Officer	Clause 46	Executive Officer or Chairman.
3. Executive Officer	Clause 46	Chairman.

(9) Without prejudice to the powers of the Chairman under clauses 47 and 53, a registered dock employer shall have full powers to take disciplinary action against monthly workers empolyed under him.

47. **Special Disciplinary Powers of the Chairman of the Board.**—Notwithstanding anything contained in the Scheme, if the Chairman is satisfied that a 'go-slow' has been resorted to by any gang of registered dock workers or by any such individual worker and is being continued or repeated by the same gang or worker or different gangs or workers on the same or different ships, he may make a declaration in writing to that effect.

(2) When a declaration under sub-clause (1) has been made, it shall be lawful for the Chairman—

(i) in the case of monthly workers, to take, without prejudice to the rights of the registered employers, such disciplinary action including dismissal, against such workers, as he may consider appropriate; and

(ii) in the case of registered dock workers in the reserve pool to take such disciplinary action including dismissal against such workers as he may consider appropriate and also to order forfeiture of their guaranteed minimum wages and attendance allowance for the wage period or periods in which the 'go-slow' has been resorted to.

(3) The Chairman may take disciplinary action—

(i) where the 'go-slow' is resorted to by a gang, against all the members of the gang; and

(ii) where the 'go-slow' is resorted to by a worker, against the worker concerned.

(4) Before any disciplinary action is taken under this clause against any worker or any gang of workers, such worker or gang shall be given an opportunity to show cause why the proposed action should not be taken against him or it:

Provided that the Chairman may, before giving an opportunity to show cause under this sub-clause suspend from work any worker or gang of workers immediately after a declaration has been made under sub-clause (1).

(5) (a) Where a worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to the attendance allowance provided in clause 33 or one-fourth of his daily wage including dearness allowance, whichever is greater; provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(b) the subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever;

(c) where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body may certify that the worker would have received on the time rate basis or under clause 33 had he not been suspended; provided that the amounts so payable shall be reduced by the amount of subsistence allowance already paid during that period;

(6) A declaration by the Chairman of the Board that a 'go-slow' has been resorted to by a worker or a gang of workers shall be final and shall not be liable to be questioned on any gorund or in any manner whatsoever.

48. **Termination of Employment.**—(1) The employment of a registered dock worker in the reserve pool shall not be terminated except in accordance with the provisions of the Scheme.

(2) A registered dock worker in the reserve pool shall not leave his employment with the Board except by giving fourteen days' notice in writing to the Board or forfeiting fourteen days' wages inclusive of dearness allowance in lieu thereof.

(3) When the employment of a registered dock worker with the Board, has been terminated under sub-clause (1) or (2) above, his name shall forthwith be removed from the register or record by the Administrative Body.

49. **Appeals by Workers.**—(1) Save as otherwise provided in this clause, a worker in the reserve pool who is aggrieved by an order passed by an authority specified in column (1) of the Table below under the provisions specified in column (2) of the said Table may prefer an appeal against such order to the authority specified in column (3) of the said Table.

TABLE

Authority passing order	Order made under	Appellate Authority
1	2	3
1. Labour Officer	Clause 45 or 46	Executive Officer
2. Administrative Body	Clause 45 or 46	Executive Officer.
3. Executive Officer.	Clause 46	Chairman.
4. Chairman	Clause 46	Central Government.

(2) A workers who is aggrieved by an order:—

(i) placing him in a particular group in the register or records; or

(ii) refusing registration under clause 19; or

(iii) requiring him under clause 38(4)(b) to undertake any work which is not of the same category to which he belongs;

may prefer an appeal to the Chairman.

(3) Any dock worker who is aggrieved by an order under clause 20(4) may prefer an appeal to the Chairman.

(4) No appeal shall lie where due notice has been given of the removal of the name of a registered worker from the register or record in accordance with the instructions of the Board, if the ground of removal is that the registered dock worker falls within a class or description of dock workers names are to be removed from the register or record in order to reduce the size thereof:

Provided that an appeal shall lie to the Chairman where the registered dock worker alleges that he does not belong to the class or description of dock workers referred to in the instructions of the Board.

(5) Every appeal referred to in sub-clauses (1), (2), (3) or (4) shall be in writing and preferred within 14 days of the date of receipt of the order appealed against and the order passed on such appeal shall be final and conclusive:

Provided that the appellate authority may, for reasons to be recorded, admit an appeal preferred after the expiry of 14 days.

(6) An appellant shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the registered trade union of which he is a member or by a registered dock worker.

50. **Appeals by Employers.**—(1) (a) A registered employer who is aggrieved by an order of the Personnel Officer under clause 46(1)(i) may appeal to the Executive Officer, whose order shall be final and conclusive and there shall be no appeal against it.

(1) (b) If a registered employer is aggrieved by an original order of the Executive Officer, under clause 46 (1) (ii), he may appeal to the Chairman. The order of the Chairman in respect of an appeal against an order under clause 46(1)(ii)(a) shall be final and conclusive and there shall be no appeal against it. In the case of an appeal against an order under clause 46(1)(ii)(b), the Chairman shall forthwith refer the matter to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(2) A stevedore who has been refused registration under clause 16(1)(c) may appeal to the Central Government through the Chairman. The order of the Central Government shall be final and conclusive and there shall be no appeal against it.

(3) If a registered employer is aggrieved by any original order of the Chairman against him under clause 46, he may prefer an appeal to the Central Government. The Central Government shall make such order on the appeal as it thinks fit.

(4) Every appeal referred to in sub-clauses (1), (2), and (3) shall be in writing and preferred within 14 days of the receipt of the order appealed against:

Provided that the appellate authority may for reasons to be recorded admit an appeal preferred after the expiry of 14 days.

(5) An appellate shall not be entitled to be represented by a legal practitioner before the appellate authority but he shall be entitled to be represented by a representative of the association of registered employers of which he is a member or by a registered employer.

51. **Power of Revision of the Chairman and Executive Officer.**—Notwithstanding anything contained in this scheme, the Chairman, in the case of an order passed by the Executive Officer under clause 46, or the Executive Officer, in the case of an order passed by the Personnel Officer or the Labour Officer as the case may be, under the said clause, may, at any time, call for the record of any proceeding in which the Executive Officer or the Labour Officer, as the case may

be, had passed the order, for the purpose of satisfying himself as to the legality or propriety thereof and may pass such order in relation thereto as he may think fit:

Provided that the Chairman or the Executive Officer, shall not pass any order under this clause which may prejudicially effect the interests of any person without giving such person a reasonable opportunity of being heard.

52. **Stay of Order in case of certain Appeals.**—Where an appeal is lodged by a worker in accordance with the provisions of Clause 49 against an order of termination of service on 14 days' notice or where an appeal is lodged by an employer in accordance with the provisions of Clause 50 against an order removing his name from the employers' register under Clause 46(1)(ii)(b), the appellate authority may suspend the operation of the order appealed from pending the hearing and disposal of the appeal.

53. **Special provisions for action in an Emergency.**—(1) If at any time the Chairman is satisfied that an emergency has arisen which will seriously affect the working of the port, he may, by order in writing and for such period as he may from time to time specify therein, make a declaration to that effect:

Provided that no such declaration shall be made except with the previous approval of the Central Government.

(2) So long as an order under sub-clause (1) is in force, the following provisions shall apply, namely:—

If any allegation is made that a registered employer has failed to carry out the provisions of the Scheme, the Chairman may, after holding a summary inquiry into the allegation, take any of the following steps as regards that employer that is to say, he may—

(a) give the registered employer a warning in writing, or

(b) direct that the name of the registeed employer shall be removed forthwith from the employers, register either permanently or for such period as he may determine.

(ii) If any allegation of indiscipline, "go-slow" or misconduct is made against a registered dock worker, the Chairman may suspend him forthwith pending inquiry, hold a summary inquiry into the allegation and take any one or more of the following steps against that worker, that is to say, he may—

(a) determine that for such period as he thinks proper, that workers shall not be entitled to any payment under clause 44.

(b) give him a warning in writing,

(c) suspend him without pay for a period not exceeding three months,

(d) terminate his services after giving 14 days' notice or 14 days' wages inclusive of dearness allowance in lieu thereof, or

(e) dismiss him.

(iii) (a) Where a worker has been suspended pending enquiry, he shall be paid for each day of suspension a subsistence allowance equivalent to the attendance allowance provided in clause 33 or one fourth of his daily wage including dearness allowance, whichever is greater; provided that for the period of suspension in excess of a month, the Chairman may, in exceptional cases grant a higher subsistence allowance not exceeding half the total daily wage including dearness allowance;

(b) The subsistence allowance so paid shall not be recoverable or liable to forefeiture in any case whatsoever;

(c) Where a worker is found not guilty, he shall be entitled to such payments in respect of the period of his suspension as the Administrative Body may certify that the worker would have received on the time rate basis or under clause 33 had he not been suspended, provided that the amount so payable shall be reduced by the amount of subsistence allowance already paid during that period.

(3) The provisions of the Scheme relating to disciplinary action against registered employers and registered dock workers shall not apply to any order passed by the Chairman under sub-clause (2).

(4) No appeal shall lie from any order passed by the Chairman under sub-clause (2).

(5) Notwithstanding anything contained in the Scheme, so long as an order under sub-clause (1) is in force, the Chairman may authorise the employment of unregistered workers directly by registered employers and payment to such unregistered workers directly.

54. **Cost of operating the Scheme.**—(1) The cost of operating the Scheme shall be defrayed by payments made by registered employers to the Board. Every registered employer shall pay to Board such amount by way of levy in respect of reserve pool workers together with and at the same time as the payment of gross wages due from him under clause 39(5) (i), as the Board may, from time to time, prescribe by a written notice to registered employers. If considered necessary, the Board may require any registered employer to pay such amount by way of levy in respect of monthly workers at such rate as it may determine and the amount payable by way of such levy shall not be less than such amount as the Board may fix as the minimum payable by every registered employer.

(2) In determining what payments are to be made by registered employers under sub-clause (1), the Board may fix different rates of levy for different categories of work or workers, provided that the levy shall be so fixed that the same rate of levy will apply to all dock employers who are in like circumstances.

(3) The Board shall not sanction any levy exceeding fifty per cent of the estimated total wage bill calculated on the basis of the daily wage rate without the prior approval of the Central Government.

(4) A registered employer shall on demand make a payment to the Board by way of deposit, or provide such other security for the due payment of the amount referred to in sub-clause (1), as the Board may consider necessary.

(5) The Administrative Body shall furnish from time to time to the Board such statistics and other information as may reasonably be required in connection with the operation and financing of the Scheme.

(6) If a registered employer fails to make the payment due from him under sub-clause (1) within the time prescribed by the Administrative Body, the Administrative Body shall serve a notice on the employer to the effect that, unless he pays his dues within three days from the date of receipt of the notice, the supply of registered dock workers to him shall be suspended. On the expiry of the notice period, the Administrative Body shall suspend the supply of registered dock workers to a defaulting employer until he pays his dues.

55. **Provident Fund and Gratuity.**—(1) The Board in respect of the workers in the reserve pool and the registered employers, in respect of their monthly workers, shall frame and operate rules providing for contributory provident fund. The rules shall provide for the rate of contribution from the workers and the employers, the manner and method of payment and such other matters as may be considered necessary:

Provided that the rules applicable to monthly workers shall not be less favourable than those relating to workers in the reserve pool.

(2) The Board shall frame rules for payment of gratuity to registered workers.

(3) The rules for contributory provident fund and gratuity shall be subject to the approval of the Central Government.

56. **Dock Workers Welfare Fund.**—Cost of amenities, welfare and health measures and recreation facilities for registered workers shall be met from a separate fund called Dock Workers Welfare Fund which shall be maintained by the Board. Contributions to this Fund shall be made by all registered employers at such rate as may be determined by the Board. The Board shall frame rules for contributions to, maintenance and operation of, the Fund.

57. **Penalties.**—A contravention of clause 40 shall be punishable with imprisonment for a period not exceeding three months in respect of a first contravention or six months in respect of any subsequent contravention or with fine not exceeding five hundred rupees in respect of a first contravention or one thousand rupees in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid.

SCHEDULE I

[*See* Clause 2(2)]

Clauses or description of dock work and dock workers to which the Scheme applies—

(1) Stevedoring work.

(2) The following categories of stevedore workers:—

(a) Gang Workers.

(b) Winchdrivers.

SCHEDULE II

(*See* clause 32)

The minimum number of days in a month for which wages are guaranted should be assessed on the basis of average employment during the preceding 12 months according to the following procedure:—

(a) Supposing an assessment is being made in the month of October 1964 the total number of gang workers in the reserve pool (including Leave Reserve Workers) as on 1st October 1963 and 31st October 1963 should be ascertained. The average strength, on the register, of these categories should be ascertained by adding the two figures and dividing by 2.

(b) The total number of man-shifts worked by gang workers of the categories referred to in (a) during the month should be ascertained from the daily employment statistics.

(c) The total number of man-days of authorised or unauthorised leave taken by the above workers should be ascertained. This figure should be divided by the number of working days in the month to ascertain the average number of workers away on leave.

(d) The figures ascertained as in (c) should be deducted from the average obtained as in (a) to arrive at the effective strength of workers available during the month.

(e) The figure of man-shifts ascertained under (b) should be divided by the effective strength ascertained as in (d). The figure arrived at will be the average number of days of employment during the month of October, 1963;

(f) The above process should be repeated for the remaining 11 months from November 1963 to September 1964.

(g) The average employment figures for the 12 months should be added and divided by 12.

(h) The figures arrived at in (g) above should be fixed as the minimum number of days for which wages will be guaranteed for the following 12 months ending 30th September, 1965.

The following example will illustrate:—

Suppose the total number of gang workers and leave Reserve Workers in the reserve pool as on 1st October, 1963		2,000
Do. 31st October, 1963		1,950
		3,950
Average strength on the register for the month.	3950 / 2	1,975
Total number of man-shifts worked by the workers of the above categories in October, 1963	36,000	
Total number of man-days authorised or unauthorised leave taken by the workers	5250	
Number of working days in the said month (31 days of the month less one non-working day)	30	
Average number of workers away on leave	5250 / 30	175
Effective strength available during the month	1975—175	1,800
Average employment for the month of October, 1963	36000 / 1800	20 days

The same procedure will be followed to arrive at the average employment for the remaining 11 months. Let us assume the figures are as follows:—

October	1963	20
November	1963	21
December	1963	18
January	1964	20
February	1964	18
March	1964	19
April	1964	20
May	1964	19
June	1964	18
July	1964	19
August	1964	20
September	1964	16
TOTAL		228

The number of days for which wages will be guranted for the next 12 months ending 30th September, 1965 will be-228/12—19 days.

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N. N. CHATTERJEE, Jt. Secy.

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